

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE

In the Matter of

FISHER SCIENTIFIC WORLDWIDE INC.

Case No. 94-24

ORDER

The Office of Antiboycott Compliance, Bureau of Export Administration, U.S. Department of Commerce ("Department"), having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 and Supp. 1996))¹ (the "Act"), and the Export Administration Regulations (15 C.F.R. Parts 730-774 (1997), as amended (61 Fed. Reg. 12714 (March 25, 1996)))² (the "Regulations"), against Fisher Scientific Worldwide Inc. ("Fisher") a domestic concern, resident in the State of New

¹/ The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996) and August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1996)).

²/ The relevant events occurred in 1992 and 1993. The governing Regulations are found in the 1992 and 1993 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1992 and 1993)). Those Regulations are referred to hereinafter as the former Regulations. Since that time the Regulations have been reorganized and restructured; the restructured regulations are codified at 15 C.F.R. Parts 730-774 (1997).

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Hampshire, based on the allegations set forth in the Proposed Charging Letter, dated March 6, 1997, attached hereto and incorporated herein by this reference;

The Department and Fisher, having entered into a Settlement Agreement, incorporated herein by this reference, whereby Fisher has agreed to settle this matter by paying the amount of \$10,000 to the Department; and

The Assistant Secretary for Export Enforcement having approved the terms of the Settlement Agreement;

IT IS THEREFORE ORDERED THAT,

FIRST, Fisher shall pay to the Department the sum of \$10,000 within 20 days of the service of this Order as specified in the attached instructions;

SECOND, as authorized by Section 11(d) of the Act, the timely payment of the sum of \$10,000 is hereby made a condition to the granting, restoration or continuing validity of any export license, permission or privilege granted, or to be granted, to Fisher. Failure to make the timely payment shall result in the denial of all of Fisher's export privileges for a period of one year for the date of entry of this Order; and

THIRD, the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public and a copy of this Order shall be served upon Fisher.

This Order is effective immediately.

Frank W. Deliberti
Frank W. Deliberti
Acting Assistant Secretary for
Export Enforcement

Entered this 17th day of July, 1997.

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

In the Matter of

FISHER SCIENTIFIC WORLDWIDE INC.

Case No. 94-24

SETTLEMENT AGREEMENT

This agreement is made by and between Fisher Scientific Worldwide Inc. ("Fisher") and the United States Department of Commerce, pursuant to Section 766.18 of the Export Administration Regulations (15 C.F.R. Parts 768-799 (1995), as amended (61 Fed. Reg. 12714 (March 25, 1996)))¹ (the "Regulations"), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1996))² (the "Act").

¹/ The relevant events occurred in 1992 and 1993. The governing Regulations are found in the 1992 and 1993 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1992 and 1993)). Those Regulations are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations are to be codified at 15 C.F.R. Parts 730-774.

²/ The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)) and August 14, 1996 (61 Fed. Reg. 42527, August 15, 1996), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§1701-1706 (1991 & Supp. 1996)).

WHEREAS, the Office of Antiboycott Compliance, Bureau of Export Administration, U.S. Department of Commerce ("Department"), has notified Fisher of its intention to initiate an administrative proceeding against Fisher pursuant to Section 11(c) of the Export Administration Act of 1979 (the "Act"), by issuing the Proposed Charging Letter, dated March 6, 1997, a copy of which is attached hereto and incorporated herein by this reference, alleging that Fisher violated Part 769 of the former Regulations, promulgated to implement the Act;

WHEREAS, Fisher has reviewed the Proposed Charging Letter and is aware of the allegations against it and the administrative sanctions which could be imposed against it, if the allegations were found to be true; Fisher fully understands the terms of this Settlement Agreement, and enters into this Settlement Agreement voluntarily and with full knowledge of its rights; and Fisher states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, Fisher neither admits nor denies the truth of the allegations, but wishes to settle and dispose of the allegations made in the Proposed Charging Letter by entering into this Settlement Agreement; and

WHEREAS, Fisher agrees to be bound by the appropriate Order ("Order") when entered;

NOW THEREFORE, Fisher and the Department agree as follows:

1. Under the Act and the Regulations, the Department has jurisdiction over Fisher with respect to the matters alleged in the Proposed Charging Letter.
2. In complete settlement of all matters set forth in the Proposed Charging Letter, Fisher will pay to the Department, within 20 days of service upon it of the appropriate Order, when entered, the amount of \$10,000.
3. As authorized by Section 11(d) of the Act, timely payment of the amount agreed to in Paragraph 2 is hereby made a condition to the granting, restoration or continuing validity of any export license, permission or privilege granted, or to be granted, to Fisher. Failure to make the timely payment shall result in the denial of all of Fisher's export privileges for a period of one year from the date of entry of the Order.
4. Subject to the approval of this Settlement Agreement, pursuant to paragraph 9 hereof, Fisher waives all rights to further procedural steps in this matter (except with respect to any alleged violation of this

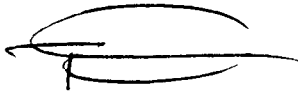
Settlement Agreement or the Order, when entered)
including, without limitation, any right to:

- a. An administrative hearing regarding the allegations in the Proposed Charging Letter;
 - b. Request a refund of the funds paid by Fisher pursuant to this Settlement Agreement and the Order when entered; or
 - c. Seek judicial review or otherwise contest the validity of this Settlement Agreement or the Order, when entered.
5. The Department, upon entry of the Order, will not subsequently initiate any further administrative or judicial proceeding, or make a referral to the Department of Justice for criminal proceedings against Fisher, with respect to any alleged violation of Section 8 of the Act or Part 769 of the former Regulations arising out of the transactions set forth in the Proposed Charging Letter or any other transaction that was disclosed to or reviewed by the Department in the course of its investigation.
6. Fisher understands that the Department will disclose publicly the Proposed Charging Letter, this Settlement

Agreement and the Order, when entered.

7. This Settlement Agreement is for settlement purposes only, and does not constitute a finding or a determination by the Department or an admission by Fisher that it has violated the Regulations or an admission of the truth of any allegation contained in the Proposed Charging Letter or in this Settlement Agreement. Therefore, if this Settlement Agreement is not accepted and the Order not entered by the Assistant Secretary for Export Enforcement, the Department may not use this Settlement Agreement against Fisher in any administrative or judicial proceeding.
8. No agreement, understanding, representation or interpretation not contained in this Settlement Agreement may be used to vary or otherwise affect the terms of this Settlement Agreement or the Order, when entered, nor shall this Settlement Agreement serve to bind, constrain or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances herein addressed.

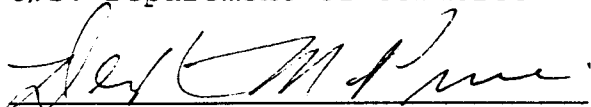
9. This Settlement Agreement will become binding on the Department only when approved by the Assistant Secretary for Export Enforcement by entering the Order.



Todd M. DuChene, Vice President

Signed this 9th day of June, 1997

U.S. Department of Commerce



Dexter M. Price
Acting Director
Office of Antiboycott Compliance

Signed this 19th day of June, 1997.

INSTRUCTIONS FOR PAYMENT OF CIVIL PENALTY

1. The check should be made payable to:

U. S. Department of Commerce

2. The check should be sent to:

Mr. Jack Floyd
Room H-6622
Export Enforcement Team
Bureau of Export Administration
U.S. Department of Commerce
14th Street & Constitution Ave., NW.
Washington, D.C. 20230



PROPOSED CHARGING LETTER

March 6, 1997

Fisher Scientific Worldwide Inc.
Liberty Lane
Hampton, New Hampshire 03842

Case No. 94-24

Gentlemen/Ladies:

We have reason to believe and charge that you, Fisher Scientific Worldwide Inc. ("Fisher"), have committed five violations of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768-799 (1996), as amended (61 Fed Reg. 12714, March 25, 1996)) (the "Regulations"),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1996)) (the "Act").² We charge that, on five occasions you failed to report or failed to report in a timely manner to the Department, as directed by Section 769.6 of the former Regulations, your receipts of requests to engage in restrictive trade practices or boycotts.

We allege that:

^{1/} The relevant events occurred in 1992 and 1993. The governing Regulations are found in the 1992 and 1993 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1992 and 1993)). Those Regulations are referred to hereinafter as the former Regulations. Since that time, the Regulations have been restructured and reorganized; the restructured Regulations are to be codified at 15 C.F.R. Parts 730-774.

^{2/} The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)). extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)) and August 14, 1996 (61 Fed. Reg. 42527, August 15, 1996), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1996)).



1. You are a domestic concern resident in the State of New Hampshire and, as such, you are a United States person as defined in Section 760.1(b) of the Regulations.
2. During the period August 1992 through July 1993, you engaged in transactions involving the potential sale of goods from the United States to Syria and Kuwait, activities in the interstate or foreign commerce of the United States as defined in Section 769.1(d) of the former Regulations.
3. In connection with the transactions described in Paragraph 2 above, you received requests to engage in restrictive trade practices or boycotts, described more fully in Table A, which is attached and incorporated by this reference. In five instances, you failed to report these requests to the Department as directed by Section 769.6 of the former Regulations. We therefore charge you with five violations of 769.6.

Accordingly, administrative proceedings are instituted against you pursuant to Part 766 of the Regulations for the purpose of obtaining an Order imposing administrative sanctions.³ If you fail to answer the allegations contained in this letter within thirty days after service, as provided in § 766.6, such failure will be treated as a default under § 766.7.

You are entitled to a hearing on the record as provided in § 766.6 of the Regulations. If you wish to have a hearing on the record, you must file a written demand for it with your answer. You are entitled to be represented by counsel, and under Section 766.18 of the Regulations, to seek a settlement agreement for an appropriate Order to be issued against you.

Your answer should be filed with the Administrative Law Judge/Antiboycott Compliance, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Room 6839, Washington, D.C. 20230. In addition, a copy of your answer should be served on the Department at the address set out in Section 766.5 of the

^{3/} Administrative sanctions may include any or all the following:

- a. Denial of export privileges (See Section 764.3(a)(2) and Sections 788A.3(a)(1) and (2) of the Regulations;
- b. Exclusion from practice (See Section 764.3(a)(3) and Section 788A.3(a)(3) of the Regulations; and/or
- c. Imposition of a civil penalty not to exceed \$10,000 per violation, (See Section 764.3(a)(1) and Section 788A.3(a)(4) of the Regulations.

Regulations, adding "ATTENTION: Jeffrey E.M. Joyner, Esq." below the address. Please note that the room number for the Department is H-3839. Mr. Joyner can be contacted by telephone at (202) 482-5311.

Sincerely,

Dexter M. Price
Acting Director
Office of Antiboycott Compliance

TABLE "A"

	"CALL FOR OFFERS" TENDERS, or LETTER OF CREDIT NUMBER	DATE	BOYCOTTING COUNTRY	BOYCOTT REQUEST
1.	MS 53/93	March 13, 1993	Syria	A
2.	MS 132/93	June 8, 1993	Syria	A
3.	MS 101/93	May 21, 1993	Syria	A
4.	197/92/B/24-1	Jan. 25, 1993	Syria	A
5.	92/085586	Aug. 6, 1992	Kuwait	B

Key To Boycott Requests

- A -- "A declaration that your company observes the rules of the Arab Bureau of Boycotting Israel."
- B -- "Documents not acceptable: A) Documents evidencing shipment of goods of Israeli ... origin ."